

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PATRICIA JOHNSON, FAUSTO CABRERA,
VELLYN ANTONELLI, CARMEN FOX,
MARK ANGELOPOULOUS, DIANE
ANDERSON, JAMES COOLEY, AND
MARGARET COOLEY, on behalf of herself
and all others similarly situated,

Plaintiffs,

Civil Action No. 10-10316 - RWZ

v.

BAC HOME LOANS SERVICING, LP, a
subsidiary of BANK OF AMERICA, N.A.,

Defendant.

DEFENDANT BAC HOME LOANS SERVICING, L.P.'S
MOTION TO DISMISS FIRST AMENDED CLASS ACTION COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant BAC Home Loans Servicing, L.P. ("BAC"), hereby moves that this Court dismiss all counts of Plaintiffs' Complaint. As set forth more fully in the accompanying Memorandum of Law, the Complaint fails to state a claim upon which relief can be granted, and BAC is entitled to judgment as a matter of law.

WHEREFORE, BAC respectfully requests that this Court dismiss all counts of the Complaint against it with prejudice.

Dated: June 14, 2010

Respectfully submitted,
BAC Home Loans Servicing, L.P.,
By its attorneys,

/s/ James W. McGarry

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LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

I hereby certify pursuant to District of Massachusetts Local Rule 7.1(A)(2) that I have conferred with counsel for Plaintiff regarding the relief requested in this Motion and Plaintiff has not assented to the relief requested.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 14, 2010.

/s/ James W. McGarry